

**JOINT DECLARATION FOR PATENT APPLICATION**

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names;

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS FOR REGULATING NICOTINE METABOLISM**, the specification of which:

☐ is attached hereto.

☒ was filed on JANUARY 14, 1999, as application serial number 09/214,851 and, if applicable, was amended on \_\_\_\_\_

☒ was filed as International (PCT) application No. PCT/CA97/00506, on JULY 17, 1997, and was amended in accordance with Article 34 (PCT) as shown in the International Preliminary Examination Report dated \_\_\_\_\_.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

**Prior Foreign Application(s)**

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed Under 35 U.S.C. 119
				Yes <input type="checkbox"/> No <input type="checkbox"/>

**Prior Provisional Application(s)**

We hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application Serial Number	Date of Filing (day, month, year)
60/021,940	July 17, 1996

**Prior United States Application(s)**

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Jerry W. Mills, Registration No. 23,005; Scott F. Partridge, Registration No. 28,142; Rodger L. Tate, Registration No. 27,399; James Remenick, Registration No. 36,902; Laurence H. Posorske, Registration No. 34,698; James B. Arpin, Registration No. 33,470; Steven P. Klocinski, Registration No. 39,521; Andrew D. Skale, Registration No. 44,338; William F. Nixon, Registration No. P-44,262; Floyd B. Chapman, Registration No. 40,555; Robert L. Troike, Registration No. 24,183; and Robert A. King, Registration No. 42,738.

All correspondence and telephone communications should be addressed to: Laurence H. Posorske, Esq., Baker & Botts, L.L.P.; The Warner, Suite 1300; 1299 Pennsylvania Avenue, N.W.; Washington, D.C. 20004-2400; (202) 639-7700, which is also the address and telephone number of each of the above listed attorneys.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature: [Signature] Date: May 6, 1999

Full Name of First Inventor: SELLERS Edward M  
 Family Name First Given Name Second Given Name

Residence: 78 Baby Point Crescent, Toronto, Ontario M6S 2C1 CANADA ONC

Citizenship: CANADA

Post Office Address: Same as above

Signature: [Signature] Date: May 10, 1999

Full Name of Second Inventor: TYNDALE Rachel F.  
 Family Name First Given Name Second Given Name

Residence: #5-28 Brunswick Avenue, Toronto, Ontario M5S 2L7 CANADA ONC

Citizenship: CANADA

Post Office Address: Same as above

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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# **VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

Docket No.  
064658.0129

Serial No.

09/214,851

Filing Date

January 14, 1999

Patent No.

Issue Date

Applicant/ Nicogen, Inc.

Patentee:

Invention:

## **METHODS FOR REGULATING NICOTINE METABOLISM**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below.  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: NICOGEN, INC.

ADDRESS OF CONCERN: 4500 Sheppard Ave. E. and Bloor St. East, Suite 900, Toronto, Ontario M4W 3H1

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.  
☐ each such person, concern or organization is listed below.

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Brian Baxter

TITLE OF PERSON SIGNING

OTHER THAN OWNER:

PRESIDENT

ADDRESS OF PERSON SIGNING:

419 Roslyn Ave  
Westmont, DC  
H33 276 CANADA

SIGNATURE:

Brian Baxter

DATE:

2 SEPT/99